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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,732	03/15/2001	Richard F. Rudolph	IP 6086	5668

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EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/809,732

Applicant(s)

RUDOLPH ET AL.

Examiner

Backhean Tiv

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**Detailed Action**

Claims 1-13 are pending in this Office Action.

**Priority**

Priority has been granted.

**Information Disclosure Statement**

The information disclosure statement filed 4/29/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Art Unit: 2151

1 Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior  
2 to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).  
3

4 Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US  
5 Patent 5,978,773 issued to Hudetz et al.(Hudetz).  
6

7 As per claim 1, Hudetz teaches system for accessing a remote computer  
8 network, comprising:

9 a package(col.3, lines25-26);

10 an identification tag coupled to said package that stores identifying data unique  
11 to said package(col.3,lines25-26; the bar code is considered to be the  
12 identification tag);

13 an interrogator located external to said package(Fig 1. element 44, Fig.2, col.3,  
14 lines33-34);

15 a computer system coupled to said interrogator for exchanging information with a  
16 remote site(Fig.1 and Fig.2);

17 wherein said interrogator transmits a query to said identification tag and said

18 identification tag responds by communicating said identifying data to said

19 computer system, thereby accessing said remote computer network(col.3,lines  
20 24-36).

21 As per claim 2, the system of claim 1, wherein said identification tag is selected  
22 from the group consisting of: a linear bar code, a composite bar code, a dimensional bar

1 code, a radio frequency identification transponder, and data recorded  
2 magnetically(Fig.1, element 48, Fig.3).

3 As per claim 3, the system of claim 1, wherein said identifying data further  
4 comprises data selected from the group consisting of: a product identifier, a serial  
5 number, a URL or other reference to a web site, and combinations thereof(col.3,lines  
6 24-26).

7 As per claim 7, Hudetz teaches method for providing product materials by  
8 accessing a remote computer network, comprising the steps of:

9 (i) providing an integrated system comprising,

10 a package(col.3, lines25-26),

11 an identification tag coupled to said package that stores identifying data  
12 unique to said package(col.3,lines25-26; the bar code is considered to be  
13 the identification tag),

14 an interrogator located external to said package(Fig 1. element 44, Fig.2,  
15 col.3, lines33-34), and

16 a computer system coupled to said interrogator for exchanging information  
17 with a remote site(Fig.1 and Fig.2),

18 (ii) sending a query signal from said interrogator to said identification  
19 tag(col.3,lines 32-33; by swiping the bar code reader across the product's UPC  
20 symbol, it is inherent that a query signal is being sent);

21 (iii) responding to said query signal by communicating said identifying data from  
22 said identification tag to said computer system(col.3, lines 33-36; by retrieving

1 the URL corresponding to the UPC product data, the examiner interprets this as  
2 a response to the query signal);

3 (iv) executing a script associated with said identifying data in said computer  
4 system, wherein said script contains programmed instructions(col.3, lines 33-36;  
5 it is inherent that there is a script with program instructions associated with the  
6 UPC product data because the URL is being retrieved);

7 (v) instructing said computer system to access said remote computer  
8 network(Fig.8); and

9 (vi) sending said product materials from said remote computer network to said  
10 computer system(col.8,lines 12-20).

11 As per claim 8, the method of claim 7, wherein said product materials is selected  
12 from the group consisting of: product information, instruction manuals, advertising,  
13 registration materials, promotional items, and mixtures thereof(col.6,lines 8-15).

14 As per claim 9, the method of claim 8, wherein said promotional items are  
15 selected from the group consisting of: screen savers, fonts, computer games, text files,  
16 music files, video files, and mixtures thereof(col.6,lines 8-15).

17 As per claim 10, the method of claim 7, wherein said product materials are  
18 downloadable(col.8,lines 12-20; the HTML document is downloadable).

19 Claim 4 is of the same scope as claim 7, therefore is rejected based on the same  
20 rationale(see claim 7 rejection).

21 Claims 5 and 11 are of the same scope as claim 2, therefore are rejected based  
22 on the same rationale(see claim 2 rejection).

Art Unit: 2151

Claims 6 and 12 are of the same scope as claim 3, therefore are rejected based on the same rationale (see claim 3 rejection).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,978,773 issued to Hudetz et al.(Hudetz) in view of US Patent 6,081,508 issued to West et al(West).

Hudetz teaches all the limitations of claim 7, however does not teach as per claim 13, the method of claim 7, wherein a cookie is used to communicate between said remote computer.

West teaches wherein a cookie is used to communicate between said remote computer(col.29, lines48-50).

Therefore it would have been obvious at the time of invention to modify the method of Hudetz to include wherein a cookie is used to communicate between said remote computer as taught by West in order to provide software to establish communication path to a computing resource(col.2,lines 39-42).

Art Unit: 2151

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**Conclusion**

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US Patent 5,857,175 issued to Day et al., Fig.1, col.1, lines 25-67

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (703) 305-8879. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M.

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Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).



Art Unit: 2151

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Backhean Tiv

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2151

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6/14/04

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Andrew Caldwell  
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